



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,209	03/19/2004	Scott Clohessy	000242.00171	6511
31743 7590 02/04/2009 PATENT GROUP GA030-43 GEORGIA-PACIFIC LLC 133 PEACHTREE STREET, N.E. ATLANTA, GA 30303-1847				
EXAMINER				
ELKINS, GARY E				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
02/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,209

Applicant(s)

CLOHESSY, SCOTT

Examiner

Gary E. Elkins

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-22 and 27 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 10-14 is/are allowed.
- 6) ☒ Claim(s) 22 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingalls (US 2003/0132275) in view of Heaps, Jr. et al (US 4,850,506), Ballard (US 4,226,327) and Wilson (US 5,261,536). Ingalls discloses a corrugated container including a double wall fiberboard laminated to a multiple wall fiberboard. Ingalls does not disclose a polymer film wrapped around the outside of the sidewalls and having a wrap tension of at least about four pounds per foot (cl. 22) or formation of the film from polyethylene and stretching of the film by at least about 200% (cl. 27). Heaps, Jr. et al teaches that it is known to reinforce the sidewalls of a multi-ply corrugated container by wrapping the outside of the container in tension. Ballard teaches that it is known to reinforce a corrugated container by using a film in tension around the outside of the corrugated walls. Wilson teaches that it is known to reinforce a container using a stretch wrap formed from polyethylene film where the stretching is between 50 to 500% during wrapping about a container load. It would have been obvious to reinforce the container of Ingalls using straps in tension around the outside of the container as taught by Heaps, Jr. et al to strengthen the walls of the container against bulging and/or against stress resulting from transport of the container. It would further have been obvious to substitute reinforcing film for the straps in modified Ingalls as taught by Ballard to provide a more even reinforcement of the

sidewalls and as a simple substitution of one known sidewall reinforcing element for another to obtain predictable results. See KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742; 82 USPQ2d 1385, 1396 (2007). With respect to claim 27, it would have been obvious to make the film in modified Ingalls as a stretch polyethylene film and with a stretch of at least about 200% in view of Wilson. The stretch of 200% is considered well within the common known limits of stretch film when wrapping around a container load. With respect to claim 22, it would have been obvious to make the film in modified Ingalls from a stretch polyethylene film as taught by Wilson and to make the wrap tension at least about four pounds per foot as a matter of routine in determining the tension required of the particular plastic being used and the particular elongation or stretch desired, i.e. the wrap tension needed is merely a determination of the wrap tension needed and amounts to no more than routine knowledge of the known material properties.

Allowable Subject Matter

3. Claims 1-8 and 10-14 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 22 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3782

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/Gary E. Elkins/

Primary Examiner, Art Unit 3782